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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/723,803   | 11/25/2003  | Ryuichi Iwamura      | SON5180.33A1        | 9764             |
| 36813  | 7590        | 04/24/2007           | EXAMINER            |                  |
| O'BANION & RITCHEY LLP/ SONY ELECTRONICS, INC.<br>400 CAPITOL MALL<br>SUITE 1550<br>SACRAMENTO, CA 95814 |             |                      | LIANG, REGINA       |                  |
|  |             | ART UNIT             |                     | PAPER NUMBER     |
|  |             |                      |                     | 2629             |
| SHORTENED STATUTORY PERIOD OF RESPONSE   | MAIL DATE   | DELIVERY MODE        |                     |                  |
| 3 MONTHS   | 04/24/2007  | PAPER                |                     |                  |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

|                              |                        |                     |
|------------------------------|------------------------|---------------------|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |
|                              | 10/723,803             | IWAMURA, RYUICHI    |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |
|                              | Regina Liang           | 2629                |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 14 February 2007.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-8,11-14 and 18-21 is/are rejected.
- 7) Claim(s) 9, 10, 15-17 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ .  | 6) <input type="checkbox"/> Other: _____ .                        |

## **DETAILED ACTION**

1. This office action is response to amendment filed 2/14/07. Claims 1-21 are pending in the application.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1, 5, 6, the phrase "may be" renders the claims indefinite.

Regarding claims 5, 6, " said colors" is unclear since it is not clear is this referring to normal mode colors or power saving mode colors.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 8, 14, 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Siwinski (US 2002/0180723) in view of Hashimoto (US 2006/0208982).

Art Unit: 2629

As to claims 8, 14, Siwinski discloses an apparatus for controlling power consumption of an EL display, comprising a processor (38, 42 in Fig. 3), the processor is configured to provide a plurality of normal mode colors (full colors red, green and blue) for output on the display. Siwinski also disclose the processor is configured to switch the normal mode to a power saving mode for conserving power in the EL display.

Siwinski does not disclose the power saving mode having a plurality of power saving mode colors.

However, Hashimoto teaches a display device having a plurality of normal mode colors (full red, green and blue colors), a plurality of power saving mode colors (8-colors), the images are displayed in full red, green and blue colors in a normal mode or the images are displayed in power saving 8-colors mode for conserving power in the display device (page 12, [0170]-[0171]; Figs. 22, 23 and page 28, [0351]-[0357]; Hashimoto teaches using full 6-bit red color in the normal mode color and 3-bit red in the power saving 8-colors, this corresponds to assigning a selected color for each power saving mode color (3-bit red) corresponding to a normal mode color (6-bit red)). Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the power saving mode of Siwinski to have a plurality of power saving mode colors as taught by Hashimoto so as to reduce the power consumption in a color display device (page 7, [0081]-[0085] of Hashimoto).

As to claim 21, Siwinski teaches the display comprising an organic electroluminescent display ([0008]).

As to claims 19, 20, Siwinski teaches the power saving display mode is entered manually or automatically ([0014] in pages 1-2).

Art Unit: 2629

6. Claims 11, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Siwinski and Hashimoto as applied to claims 8, 14 above, and further in view of Kimoto (US 6,054,981).

It is noted that Siwinski as modified by Hoshimoto does not specifically disclose a power saving indicator, the power saving indicator showing the reduction in energy consumed by the display when the power saving display mode. Kimoot is cited to teach a power saving modes displaying device similar to Siwinski. Kimoto further discloses using a power saving indicator, the power saving indictor (34) showing the reduction in energy consumed by the display when in the power saving display mode (col. 4, lines 46-48). Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Siwinski to have the feature of the power saving modes indicator as taught by Kimoto because Kimoto can provide an indication to the user when the power saving mode is in used.

7. Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Siwinski and Hashimoto as applied to claims 8 above, and further in view Beaudoin et al (US 2004/0160447).

Siwinski as modified by Hashimoto does not disclose each of the normal mode colors and power saving mode colors are described according to intensity values for each of color components and according to hue, saturation and luminance components. However, Beaudoin teaches RGB is a color pixel control model that uses the three primary color to from each of the pixels of a color image (lines 1-4 of [0003]), and other pixel control models exist that control pixels in the display, such as an HSL (hue, saturation and luminance) can be used to control the

Art Unit: 2629

color (hue), the strength of the color, or how far it is from neutral gray (saturation), and the intensity of light reflected or transmitted by a color (intensity values or luminance) (lines 1-6 of [0004]). Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Siwinski as modified by Hashimoto to have the HSL in each of the normal mode colors and power saving mode colors as taught by Beaudoin so as to provide a finer color resolution for each of the color pixel control.

***Allowable Subject Matter***

8. Claims 9, 10, 15-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. Claims 1-7 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

***Response to Arguments***

10. Applicant's arguments filed 2/14/07 have been fully considered but they are not persuasive.

Applicant's remarks on pages 17-18 regarding claims 8 and 14 in that Hashimoto does not teach selection of colors, or assignment of power saving mode colors to normal mode colors, are not persuasive. Hashimoto teaches using 6-bit red color in normal mode color and 3-bit red color in the power saving mode color, the power saving mode color is assigned to the same color as the normal mode color for conserving power in the controller, which clearly reads on

Art Unit: 2629

“assigning a selected color for each power saving mode color corresponding to one or more normal mode colors” as broadly claimed.

In response to applicant's argument on pages 19-20 that Siwinski is directed to a method of using a monochrome mode for saving power and Hashimoto is not directed to the control of electroluminescent displays but of the control color liquid crystal displays by reducing the number of available colors over the hole display or in regions to reduce power consumption, applicants cannot show non-obviousness by attacking references individually where, as here the rejections are based on combination of references.

In response to applicant's argument on pages 21-22 in that the examiner provides no specific fact-finding as to how the circuit of Siwinski would be combined with that of Hashimoto to yield a system consonant with the claimed invention, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

Applicant's remarks regarding claims 11 and 18 on pages 24-25 in that the indicator of Kimoto is incapable of illustrating amounts of power reduction only that the display is in a power saving mode, are not persuasive since applicant is reading the limitation into the claims. The indicator 34 of Kimoto that flashes between green and orange color, when the indicator 34 emits green light continuously that indicating the device is in on-mode (no reduction in energy consumed), when the indicator 34 emits orange color continuously that indicating the device is in

Art Unit: 2629

active-off mode (reduction in energy consumed), this is enough to meet the broadly claimed limitation.

***Conclusion***

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

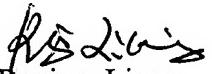
12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Regina Liang whose telephone number is (571) 272-7693. The examiner can normally be reached on Monday-Friday from 8AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe, can be reached on (571) 272-7691. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

Art Unit: 2629

system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Regina Liang  
Primary Examiner  
Art Unit 2674

4/19/07